

Christopher L. Perkins (VA Bar No. 41783)  
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*Counsel to Bruce H. Matson, Chapter 11 Trustee*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

In re:	)	
	)	Chapter 11
	)	
RICHMOND CHRISTIAN CENTER,	)	Case No. 13-36312
	)	
Debtor.	)	
	)	

**JOINT MOTION FOR ORDER APPOINTING MEDIATOR**

Bruce H. Matson, Chapter 11 Trustee (the “**Trustee**”) for Richmond Christian Center (the “**Debtor**”), and Motley’s Auctions, Inc. (“**Motley’s**”) by counsel, jointly move the Court for an Order appointing a judicial mediator and establishing a judicial mediation protocol. In support of this request, the Trustee respectfully represents as follows:

1. On November 22, 2013, the Debtor filed a voluntary petition (ECF No. 1) under chapter 11 of title 11 of the United States Code.
2. By order dated January 6, 2015, the Trustee was appointed in this case (ECF No. 203).
3. On May 1, 2015, Motley’s filed its Application seeking payment of \$201,250 as an administrative expense claim arising from the attempted sale of the Debtor’s real property (ECF No. 270) (“**Application**”).

4. The Trustee filed his Objection to the Application on May 15, 2015 (ECF No. 277).

5. The U.S. Trustee filed her Objection to the Application on May 18, 2015 (ECF No. 280)

6. This contested matter is scheduled for hearing on October 27, 2015.

7. The Trustee, U.S. Trustee and Motley's desire to mediate their dispute through the assistance of a sitting bankruptcy judge.

WHEREFORE, the Trustee respectfully requests that the Court enter an order in the form attached hereto as Exhibit A, and further relief as may be appropriate under the circumstances.

BRUCE H. MATSON, CHAPTER 11  
TRUSTEE

/s/ Christopher L. Perkins  
Counsel

Christopher L. Perkins (VA Bar No. 41783)  
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919 East Main Street  
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*Counsel to Bruce H. Matson, Chapter 11 Trustee*

MOTLEY'S AUCTIONS, INC.

/s/ John C. Smith

John C. Smith, VSB No. 44556  
SANDS ANDERSON PC  
P.O. Box 1998  
Richmond, VA 23218-1998  
(804) 648-1636  
*Counsel for Motley's Auctions, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 31<sup>st</sup> day August 2015, a true and correct copy of the foregoing was filed with the Court through the Clerk's CM/ECF filing system and served on all persons receiving electronic notice in this case and/or by first-class mail, postage prepaid, to the following parties:

Roy M. Terry  
John C. Smith  
SANDS ANDERSON, PC  
PO Box 1998  
Richmond, VA 23218  
*Counsel for Motley's Auctions, Inc.*

Kevin J. Funk  
DuretteCrump PLC  
1111 East Main Street, 16<sup>th</sup> Floor  
Richmond, VA 23219  
*Counsel for Debtor*

Robert B. Van Arsdale  
Office of the U.S. Trustee  
701 East Broad Street, Suite 4304  
Richmond, VA 23219  
*Assistant U.S. Trustee*

/s/ Christopher L. Perkins  
Counsel

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*Counsel to Bruce H. Matson, Chapter 11 Trustee*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
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In re:	)	
	)	Chapter 11
	)	
RICHMOND CHRISTIAN CENTER,	)	Case No. 13-36312
	)	
Debtor.	)	
	)	

**ORDER ESTABLISHING MEDIATION PROTOCOL**

This matter came before the Court upon the Joint Motion For Order Appointing Mediator  
It appearing the parties are in agreement, and the Court deeming it proper to do so,

**IT IS ORDERED** that the Motion is GRANTED; and

**IT IS ORDERED** that Motley's Auctions, Inc., and Bruce H. Matson (Chapter 7 Trustee)  
(the "Parties to the Mediation") SHALL ATTEND a mediation as defined in the attached Exhibit  
A (the "Mediation Protocol").

The Clerk is directed to send a copy of this Order to the parties on the attached Service  
List.

ENTERED:

\_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

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Christopher L. Perkins (VA Bar No. 41783)  
LeClairRyan, A Professional Corporation  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, Virginia 23219  
(804) 783-7550

*Counsel to Bruce H. Matson, Chapter 11 Trustee*

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Roy M. Terry, Jr. (VSB # 17764)  
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Richmond, Virginia 23218  
(804) 783-7269

*Counsel for Motley's Auctions, Inc.*

**LOCAL RULE 9022-1 CERTIFICATION**

Pursuant to LBR 9022-1, I hereby certify that a true copy of the foregoing was endorsed by and/or served upon all necessary parties.

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Counsel

**SERVICE LIST**

Roy M. Terry  
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*Counsel for Motley's Auctions, Inc.*

Kevin J. Funk  
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Richmond, VA 23219  
*Counsel for Debtor*

Robert B . Van Arsdale  
Office of the U.S. Trustee  
701 East Broad Street, Suite 4304  
Richmond, VA 23219  
*Assistant U.S. Trustee*

**EXHIBIT A**  
**MEDIATION PROTOCOL FOR BANKRUPTCY CASE 13-36312-KLP**

1. **Participation.**

- a. Unless otherwise ordered by the United States Bankruptcy Court (the “Court”), for cause shown, counsel for and a representative with full settlement authority of each of the Parties to the Mediation shall attend the Mediation.
- b. The Office of the U.S. Trustee may participate in the Mediation under the same terms set forth in this Mediation Protocol for Parties to the Mediation by notifying the mediator. Upon such notice, the Office of the U.S. Trustee will be deemed a Party to the Mediation.
- c. Any other party in interest may participate in the Mediation under the same terms set forth in this Mediation Protocol for Parties to the Mediation by filing a motion with the Court requesting leave to participate, after advising each of the existing Parties to the Mediation of the party’s desire to participate in the mediation and notifying the mediator. Upon entry of an order granting such motion, the party in interest will be deemed a Party to the Mediation.

2. **Mediator.** The Court hereby appoints the Honorable \_\_\_\_\_ to serve as mediator (the “Mediator”) pursuant to Rule 83.6 of the Local Rules of Practice of the United States District Court for the Eastern District of Virginia (“Local Rule 83.6”) to attempt to resolve the issues at mediation.

3. **Mediation.**

- a. As soon as practicable, the Parties to the Mediation shall participate in a status conference with the Mediator to discuss issues related to the Mediation, including but not limited to the scheduling of dates for the Mediation and the Mediator’s preferred practices regarding mediation statements and other submissions.
- b. The Mediation shall be non-binding and shall take place at a location and time mutually agreeable to the Mediator and the Parties to the Mediation.
- c. The Parties to the Mediation shall provide confidential position statements and settlement proposals (the “Mediation Statements”) to the Mediator in the form, manner, and at such time as the Mediator requests.
- d. Any statements made during Mediation shall not be disclosed to any person other than to other Parties to the Mediation and the Mediator and shall not be admissible in any proceeding before the Court, or any other court, pursuant to Rule 408 of the Federal Rules of Evidence and Section (E) of Local Rule 83.6.

- e. Immediately upon the conclusion of the Mediation, the Parties to the Mediation shall provide a report to the Court on the results of the Mediation.
- f. Each Party to the Mediation shall bear its own costs.

4. **Reservation of Rights.**

- a. Nothing contained herein shall prejudice the rights of any party.
- b. By participating in the Mediation, Parties to the Mediation are not waiving their rights to bring any claims or defenses on issues raised in connection with the Mediation in the event and/or to the extent that the Mediation does not result in a final settlement.
- c. By participating in the Mediation, neither any of the Parties to the Mediation, nor any of their respective counsel or professional advisors, assumes any duty to the Debtor, or to any person, or entity other than its own client or, subject to the terms of this Order, waives any right to seek alternative relief from the Court.
- d. The Court shall retain jurisdiction over any matters related to or arising from the Mediation.